

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ALEX JERRET NYBO,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. C20-233 TLF

ORDER ON PLAINTIFF'S MOTION  
FOR FEES, EXPENSES AND  
COSTS

This matter comes before the Court on plaintiff's unopposed motion for attorney fees pursuant to 28 U.S.C. § 2412, the Equal Access to Justice Act (EAJA). Dkt. 21. Plaintiff's motion requests an award of \$3,727.88 in attorney's fees and \$16.47 in expenses under the EAJA. Dkt. 21. Additionally, plaintiff seeks an award of \$5.00 in costs under 28 U.S.C. § 1920. Dkt. 21. The Court granted plaintiff's application to proceed in this action *in forma pauperis*. Dkt. 1, 4. Therefore, plaintiff is precluded from recovering costs under 28 U.S.C. § 1920. *Wade v. Kijakazi*, No. 20-35327, 2021 WL 4343858 at \* 4 (9th Cir. Sept. 24, 2021) ("Section 1915(f)(1) clearly precludes an award of costs against the United States where a court has granted a litigant IFP status."). Based on the foregoing and plaintiff's unopposed motion the Court grant's plaintiff's motion and ORDERS:

(1) Plaintiff is granted \$3,727.88 in attorney's fees, and \$16.47 in expenses.

1 (2) Subject to any offset allowed under the Treasury Offset Program, as  
2 discussed in *Astrue v. Ratliff*, 560 U.S. 586 (2010), payment of this award  
3 shall be sent to plaintiff's attorney Jeffrey Schwab at the address: P.O.  
4 Drawer 1429, Moses Lake, WA 98837.

5 (3) After the Court issues this Order, defendant will consider the matter of  
6 plaintiff's assignment of EAJA fees and expenses to plaintiff's attorney.  
7 Pursuant to *Astrue v. Ratliff*, the ability to honor the assignment will  
8 depend on whether the EAJA fees and expenses are subject to any offset  
9 allowed under the Treasury Offset Program. Defendant is directed to  
10 contact the Department of Treasury after this Order is entered to  
11 determine whether the EAJA attorney fees and expenses are subject to  
12 any offset. If the EAJA attorney fees and expenses are not subject to any  
13 offset, those fees and expenses will be paid directly to plaintiff's attorney,  
14 either by direct deposit or by check payable to plaintiff's attorney and  
15 mailed to plaintiff's attorney's address.

16 Dated this 12th day of October, 2021.

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Theresa L. Fricke  
20 United States Magistrate Judge  
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